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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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| **UNITED STATES OF AMERICA,** | ) | Magistrate Case No. |
| Plaintiff, | ) | '08 MJ 1935 KNH |
| v. | ) | COMPLAINT FOR VIOLATION OF: |
| (1) **Hector GALARZA,** Defendant | ) | |
| (2) **Hugo Daniel GARCIA,** Defendant | ) | Title 8, U.S.C., Section 1324 (a)(1)(A)(ii) Transportation of Illegal Aliens |
| (3) **Adam Jesus JIMENEZ,** Defendant | ) | |

The undersigned complainant, being duly sworn, states:

On or about, **June 20, 2008,** within the Southern District of California, defendant, **Hector GALARZA; Hugo Daniel GARCIA; and Adam Jesus JIMENEZ,** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely Jose CHABLE-Baas, Jorge QUINTAL-Pech, and Jose PEREZ-Maldonado, had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Angie Salazar,
U.S. Immigration & Customs Enforcement,
Special Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 20th DAY OF **June 2008.**

UNITED STATES MAGISTRATE JUDGE

HC

**PROBABLE CAUSE STATEMENT**

On June 20th, 2008, at approximately 3:00 pm, Customs and Border Protection Officer V. Nemeth was contacted by an anonymous citizen regarding a maroon Chevrolet Malibu and white tractor-trailer combination engaged in smuggling undocumented aliens into the United States. The citizen advised Officer Nemeth that he (citizen) observed two occupants from the Chevrolet Malibu assisting several undocumented aliens enter into the rear trailer of the tractor-trailer combination. The citizen reported that the vehicles were near Humphries Road and Thing Road. This area is approximately one-eighth of a mile from the United States / Mexico international border. While speaking with the citizen, Officer Nemeth observed the Chevrolet Malibu pass his location. Officer Nemeth notified United States Border Patrol agents operating in the Tecate, California area of the reported illegal activity.

At approximately, 3:30 pm, Border Patrol Agent D. Ramirez began surveillance on the two vehicles as they traveled westbound on Highway 94 towards San Diego. Agent Ramirez noticed that the Chevrolet Malibu was in front of the tractor-trailer combination. Agent Ramirez noticed that the tractor-trailer was closely following the Chevrolet Malibu, which led him to believe that the two vehicles were traveling in tandem. Agent Ramirez also observed the Chevrolet Malibu and the tractor-trailer combination pull off the Highway in an attempt to have the Border Patrol marked unit pass them. Agent Ramirez stated that he maintained surveillance of the vehicles up until their arrival at the Highway 94 Border Patrol Checkpoint, located near Dulzura, California.

Upon arriving at the Highway 94 checkpoint, Border Patrol Agent F. Polo identified himself as a Border Patrol agent and instructed the Chevrolet Malibu into the secondary inspection area. While in the secondary inspection area, Border Patrol Agent M. Ortiz questioned the driver, identified as Hugo Daniel GARCIA, and the passenger, identified as Adam Jesus JIMENEZ, as to their purpose for being in the eastern San Diego County area. GARCIA and JIMENEZ stated that they were returning from work; however, when questioned for the specific location, both GARCIA and JIMENEZ stated "over there." The two occupants were detained for a few moments pending the arrival of the tractor-trailer at the checkpoint. The tractor-trailer arrived at the checkpoint approximately two to five minutes after the Chevrolet Malibu.

In the primary inspection area, Agent Polo identified himself as a Border Patrol Agent and questioned the driver of the tractor-trailer combination as to his country of citizenship and nationality. The driver, identified as Hector GALARZA, stated that he was a United States citizen. While the tractor-trailer was positioned in the primary inspection lane, Border Patrol Agent D. Davila with his Service Canine partner "Bale." who are certified in the detection of odors of narcotics and concealed humans alerted to the odor of narcotics and/or concealed humans near the rear container doors of the trailer. Agents requested and obtained consent from GALARZA to search the contents of the trailer. The search revealed twelve undocumented aliens concealed within the trailer. The temperature within the trailer at the time the undocumented aliens were discovered was extremely high. Exterior temperatures at the checkpoint at the time the undocumented aliens were discovered was approximately 95 degrees Fahrenheit. Furthermore, the trailer which contained the undocumented aliens was accessible only from the exterior of the trailer; thereby, rendering the undocumented aliens incapable of exiting the trailer without assistance from the alien smugglers. The driver, GALARZA was subsequently arrested on suspicion of transportation of undocumented aliens. Agents also arrested GARCIA and JIMENEZ on suspicion of transportation of undocumented aliens

DEFENDANT STATEMENT (GALARZA)

On June 20, 2008, at approximately 7:25 pm, GALARZA provided a post-Miranda statement to Immigration and Customs Enforcement Special Agents A. Salazar and A. Rios. GALARZA stated that he is the owner/operator of the tractor-trailer combination. GALARZA admitted that he knew that the twelve undocumented aliens found in the trailer of his truck were undocumented aliens and unlawfully in the United States. GALARZA stated that he picked up the undocumented aliens in a vacant lot in Tecate, California. GALARZA added that he was instructed to take the undocumented aliens to Chula Vista, California. GALARZA said that he was to be paid $300.00 per undocumented alien unlawfully transported in the United States. GALARZA stated that GARCIA was the driver of the Chevrolet Malibu. GALARZA added that he obtained the Chevrolet Malibu for GARCIA. GALARZA stated that the Chevrolet Malibu belongs to his (GALARZA) daughter. GALARZA admitted that GARCIA and JIMENEZ were acting in concert with him during the smuggling event. GALARZA expounded that GARCIA and JIMENEZ were acting as lookouts for law enforcement during the smuggling event. GALARZA stated that he was to pay GARCIA approximately twenty percent of his illicit earnings.

DEFENDANT STATEMENT (GARCIA)

On June 20, 2008, at approximately 8:16 pm, Hugo Daniel GARCIA provided a post-Miranda statement to Immigration and Customs Enforcement Special Agents A. Salazar and A. Rios. GARCIA stated that he was assisting GALARZA in the transporting of undocumented aliens into the United States. GARCIA admitted that he has been transporting undocumented aliens into the United States for three weeks. GARCIA also admitted that he was to be paid $100.00 per alien transported in the United States.

DEFENDANT STATEMENT (JIMENEZ)

On June 20, 2008, at approximately 8:59 pm, Adam Jesus JIMENEZ provided a post-Miranda statement to Immigration and Customs Enforcement Special Agents A. Salazar and A. Rios. JIMENEZ admitted to assisting in the transporting of the undocumented aliens in the United States with GALARZA and GARCIA. JIMENEZ stated that he knew he was violating federal law while transporting the undocumented aliens. JIMENEZ stated that he was to be paid an unknown amount of money for his involvement in the transporting of the undocumented aliens.

Executed on June 20, 2008, at 11:30 pm.

Angie Salazar
Special Agent

On the basis of the facts presented in the probable cause statement consisting of four pages, I find probable cause to believe that the defendants named in this probable cause statement committed the offense on June 20, 2008, in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

Louisa S. Porter
United States Magistrate Judge

6/21/08 8:45 AM
Date / Time